Entered on Docket
January 21, 2011

Hon. Bruce A. Markell
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re: Robert F. Cosmidis Debtors.	08-22043-bam Chapter 13

ORDER VACATING AUTOMATIC STAY

Pursuant to the Declaration re Breach of Condition filed on December 29, 2010 and Debtors failure to cure the default prior to its expiration, and good cause appearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to Secured Creditor, Wells Fargo Bank, N.A. its assignees and/or successors in interest, and Secured Creditor may proceed with a foreclosure of and hold a Trustee's Sale of the subject property, generally described as 7300 Pirates Cove Rd., Las Vegas NV and legally described as follows:

PARCEL I:
ONE (1) ALLOCATED INTEREST AS TENANTS-IN-COMMON AND TO THE COMMON AREA OF PIRATES COVE CONDOMINIUMS UNIT 2, (A COMMON INTEREST COMMUNITY CONDOMINIUM DEVELOPMENT), AS SHOWN BY MAP THEREOF ON FILE IN BOOK 55 OF PLATS, PAGE 38 RECORDED JANUARY 27, 1993 IN BOOK 930127 AS DOCUMENT NO. 01187 ON THE OFFICE OF THE COUNTY RECORDE, CLARK COUNTY, NEVADA. SAID ALLOCATED INTEREST TO BE A FRACTION, THE NUMERATOR OF WHICH SHALL BE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR MARQUESA RECORDED ON OCTOBER 21, 2004 IN BOOK 20041021 AS DOCUMENT NO. 03152, OFFICIAL RECORDS AND ANY SUBSEQUENT AMENDMENTS AND/OR SUPPLEMENTS THERETO.

EXCEPTING THEREFROM ALL UNITS AND BUILDING D LOCATED WITHIN THE ABOVE REFERANCED PLAT.

RESERVING THEREFROM THE RIGHT TO POSSESION OF ALL THOSE AREAS DELINEATED AS "LIMITED COMMON ELEMENTS" UPPON PIRATES COVE CONDOMINIUMS UNIT 2 AS DEFINED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

FURTHER RESERVING THEREFROM FOR THE BENEFIT OF THE OWNERS OF ALL UNITS WITHIN PIRATES COVE CONDOMINIUMS UNIT 2 (EXCEPT THE UNIT REFERRED TO ON PARCEL II, HEREIN) NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND RECREATIONAL USE ON, OVER AND ACROSS THE COMMON ELEMENTS, AS PROVIDED FOR AND SUBJECT TO THE DECLARATION OF CEOVNANTS, CONDITIONS, AND RESTRICTIONS.

PARCEL II:
UNIT ONE HUNDRED ONE (101) IN BUILDING NINE (9) AS SHOWN UPON THE ABOVE REFERENCED PLAT.

PARCEL III:
THE EXCLUSIVE RIGHT OF USE, POSSESSION AND OCCUPANCY OF THE PORTIONS DESIGNATED AS THOSE "LIMITED COMMON ELEMENTS" (INCLUDING BUT BOT LIMITED TO PATIO(S), BALCONY (IES), THE ENTRY DESIGNATED FOR THE SOLE USE OF SAID UNIT AND PARKING SPACE(S) AS DEFINED IN AND SUBJECT TO THE

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS), WHICH ARE APPURTENANT TO PARCELS I AND II DESCIRBED ABOVE.

PARCEL IV:
A NON-EXCLUSIVE RIGHT AND EASEMENT OF INGRESS AND EGRESS AND OF USE AND ENJOYMENT IN, TO AND OVER THOSE PROTIONS OF PIRATES COVE CONDOMINIUMS UNIT 2 INCLUDING BUT NOT LIMITED TO "COMMON RECREATION AREA, PRIVATE STREETS, AND COMMON ELEMENTS", AS DEFINED IN AND SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, WHICH EASEMENT IS APPURTENANT TO PARCEL I AND II.

pursuant to applicable State Laws, and thereafter commence any action necessary to obtain complete possession of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

Submitted by:

Wilde & Associates

By [signature] #10235

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